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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,496	11/24/1999	MICHELE AGUERA	P06473USO/TP	4418

881 7590 07/02/2002

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EXAMINER

RAWLINGS, STEPHEN L

ART UNIT PAPER NUMBER

1642

DATE MAILED: 07/02/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

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Commissioner of Patents and Trademarks

Response to Amendment

1. The reply filed on March 25, 2002 in Paper No. 10 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

(a) In the previous Office Action mailed September 25, 2001 (Paper No. 9), the amendment filed July 11, 2001 in Paper No. 8 was objected to under 35 USC § 132 because it introduces new matter into the disclosure. In reply to the Office Action, Applicant was required to cancel the new matter in reply to that Office Action.

In reply to the previous Office Action, rather than canceling the new matter, Applicants traversed the ground of objection arguing that recitation of the term "diagnostic substrate" is supportable by the Applicants' original disclosure. In addition, Applicants have argued that the term "substrate" would be understood by one of ordinary skill in the art to mean "reagent".

Applicants' arguments have been carefully considered but have not been found persuasive. There does not appear to be sufficient antecedent basis in the specification for recitation of "diagnostic substrate" in the claims and therefore the amendment filed July 11, 2001 appears to violate the requirements set forth under 35 USC § 132. Furthermore, "diagnostic substrate" does not appear to be a common term of art.

In reply to this Office Communication, Applicants are required to amend claims 30-32 to delete the term "diagnostic substrate" and are advised to replace the term with language that is clearly supported by the specification.

(b) In the previous Office Action mailed September 25, 2001 (Paper No. 9), claims 1, 3, 4, 6, 7, 16, 17, 23, and 28 were objected to because the claims are drawn to the subject matter of non-elected inventions. In reply to the Office Action, Applicants were required to correct this matter.

Applicants failed to correct this matter in replying to the previous Office Action.

Applicants are required to amend the claims so that the claims are drawn solely to the subject matter of the elected invention.

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See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).**

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (703) 305-3008. The examiner can normally be reached on Monday-Thursday, alternate Fridays, 8:00AM-5:30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony C. Caputa, Ph.D. can be reached on (703) 308-3995. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

Stephen L. Rawlings, Ph.D.

Examiner

Art Unit 1642


ANTHONY C. CAPUTA
SUPERVISORY PATENT EXAMINER
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slr

June 25, 2002